

**COMMON INTEREST COMMUNITY BOARD
TIME-SHARE REGULATORY REVIEW COMMITTEE MEETING**

MINUTES OF MEETING

The Common Interest Community Time-Share Regulatory Review Committee of the Common Interest Community Board met on Wednesday, February 27, 2013, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, 2nd Floor, Board Room 4, Richmond, Virginia 23233.

The following members were present:

Christiaan Melson, Chair
Jacquelyn Riggs
Tom Bell
Robin Cronan
Caroline Emswiler
Christopher Nolen
Lori Overholt
Philip Richardson (arrived at 9:51 a.m.)
Van Rouse

Committee member Pamela Coerse and Ex-Officio member Lucia Anna Trigiani were not in attendance.

DPOR staff present for all or part of the meeting included:

Gordon Dixon, Director
Mark N. Courtney, Senior Director for Regulatory & Public Affairs
Trisha L. Henshaw, Executive Director
Heather Gillespie, Ombudsman
Jill Hrynciw, Board Administrator
Thomas K. Perry, Board Administrator
Betty C. Jones, Administrative Assistant

Steven Jack from the Office of the Attorney General was present.

Mr. Melson, Chair, called the meeting to order at 9:35 a.m.

Call to Order

Mr. Melson advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Melson welcomed everyone and introduced the Committee members and the staff.

**Introduction of
Committee**

Members

Mr. Nolen moved to approve the agenda. Ms. Riggs seconded the motion which was unanimously approved by: Bell, Cronan, Emswiler, Melson, Nolen, Overholt, Riggs, and Rouse.

Approval of Agenda

Mr. Melson opened the floor for public comment. Ms. Mary Connell, owner and representative of Barclay Towers Time-Share Association, addressed the Committee during the Public Comment Period. She expressed concerns her time-share association was having with resellers not paying their maintenance fees and requested stricter regulations as well as the authority to enforce those regulations.

Public Comment Period

Mr. Courtney provided an overview of the regulatory review process including specific information that must be provided to other state agencies as well as the public during the regulatory review process.

Overview of Regulatory Review Process

Mr. Richardson arrived at 9:51 a.m.

Arrival of Committee Member

Mr. Courtney also provided a short summary of what should and should not be done when drafting regulations. In addition, the difference between regulation and statute was discussed. Mr. Courtney also gave an overview of Executive Order 14 and its impact on the regulatory review process.

Overview of Regulatory Review Process

Mr. Melson discussed the parameters of the Committee's work on the Time-Share Regulations. Ms. Henshaw thanked everyone for agreeing to serve on the Committee and contributing to the amendment of the Time-Share Regulations, which have not undergone detailed review since 2003. She provided an overview of the purpose of this Committee, including a brief overview of the legislation enacted in 2008 that created the Common Interest Community Board (Board).

Review Purpose of Committee

Ms. Henshaw provided a time-line for developing the draft time-share regulations. While some of the dates on the time-line are currently tentative, the time-line will be revised throughout the review process to ensure the Committee's objectives are accomplished within required timeframes. The Committee's work will culminate with the presentation of the final draft text to the Board at its September 17, 2013, meeting.

Committee Timeline

Ms. Henshaw provided an overview of the history of the Time-Share Regulations. The Virginia Real Estate Time-Share Act was enacted in

Overview of Time-Share Regulations

1981 under the Real Estate Commission (now Real Estate Board). The Common Interest Community Board was created in 2008 and authority was transferred from the Real Estate Board to the Common Interest Community Board. In 2012, legislative amendments added the registration of time-share resellers to the Board's authority and provisions for a buyer's acknowledgement was added to statute. In 2013, the Board authorized filing a Notice of Intended Regulatory Action (NOIRA) for review of the Time-Share Regulations. The purpose of the time-share regulations is to register time-share projects/programs, time-share resellers, time-share exchange programs, and to ensure full and fair disclosure to purchasers. Some other areas of concern are: marketing/advertising, post-registration provisions, alternative purchase registration, registration termination, and Board authority and disciplinary actions.

The Committee recessed for a break at 10:58 a.m. and reconvened at 11:25 a.m. **Break**

The Committee discussed the definition of "alternative purchase" and specific issues related to alternative purchases and resellers. **Review of Applicable Laws and Regulations**

The Committee discussed pertinent sections of the Time-Share Act (Chapter 21 of Title 55 of the Code of Virginia) and was also provided a copy of the Time-Share Regulations which became effective on November 27, 2008.

The Committee recessed for lunch from 12:12 p.m. to 12:54 p.m. **Lunch**

After discussion, the Committee approved the following meeting date by consensus: April 30, 2013. Additional meeting dates will be set at a later time. The Committee also agreed to have all the Committee meetings begin at 9:30 a.m. **Set Next Meeting Date(s)**

Ms. Henshaw discussed items that may be addressed in the Common Interest Community Time-Share Regulations. The Committee will need to decide areas that should be more specific. The Committee discussed many areas of concern and offered ideas and suggestions to amend the time-share regulations. **Discussion of Topics to be Addressed in Time-Share Regulations**

The Committee discussed its plan for the next Committee meeting. Staff will provide a draft of the time-share regulations and ask the Committee to submit any ideas, comments, or suggestions to Ms. Henshaw for discussion at the next Committee meeting.

The Board members serving on the Committee were reminded to complete their conflict of interest forms and travel vouchers. **Conflict of Interest and Travel Voucher Forms**

There being no further business, the meeting was adjourned at 12:59 p.m. **Adjourn**

Lucia Anna Trigiani, Chair

Gordon Dixon, Secretary

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